

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JEFFREY LEE JONES,

Case No. 19-cv-1144 (NEB/ECW)

Plaintiff,

v.

REPORT AND RECOMMENDATION

STATE OF MINNESOTA, GLADYS
MEIJA DANIELA, KRISTEN
BOOMER, JOANNE RIOS A/K/A
JOANNE HAGFORS, DONALD RYAN,
SALIM OMARI, AMANDA HEU,
MARK SOLFELT, JAMES
LEATHERMAN, and STEPHEN
NESSER,

Defendants.

In an Order dated July 1, 2019, the Court ordered Plaintiff Jeffrey Lee Jones to file an amended complaint meeting certain specified conditions. (*See* Dkt. 4.) Jones was given until July 31, 2019, to make this filing, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

That deadline has now passed, and Jones has not filed an amended complaint. Accordingly, this Court now recommends, in accordance with its July 1 Order, that this action be dismissed without prejudice under Federal Rule of Civil Procedure Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action

under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: August 9, 2019

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).